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8 Attorneys for Plaintiff
9 Artifex Software, Inc.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARTIFEX SOFTWARE INC., a California
corporation,

Plaintiff,

v.
DIEBOLD INC., an Ohio corporation,
PREMIER ELECTION SOLUTIONS, INC.,
a Delaware corporation,

Defendants.

Case No. C 08-04837 SC EMC

**STIPULATED DISMISSAL OF ALL
CLAIMS WITH PREJUDICE AND
[PROPOSED] ORDER**

1 **STIPULATION**

2 Plaintiff Artifex Software, Inc. (“Plaintiff”) and Defendants Diebold Inc. and Premier
3 Election Solutions, Inc. (“Defendants”) hereby agree and stipulate as follows:

4 1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff hereby
5 dismisses with prejudice all claims asserted against Defendants.

6 2. Plaintiff and Defendants shall each bear their own attorneys’ fees and costs
7 incurred in connection with this action.

8 **SO STIPULATED.**

9 Dated: June 25, 2009

O’MELVENY & MYERS LLP

10 By: /s/ Luann L. Simmons

11 Luann L. Simmons
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19 Attorneys for Plaintiff
20 ARTIFEX SOFTWARE, INC.

21 Dated: June 25, 2009

JONES DAY

22 By: /s/ Gregory L. Lippetz

23 Gregory L. Lippetz
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29 Attorneys for Defendants
30 DIEBOLD, INC. and PREMIER ELECTION SOLUTIONS,
31 INC.

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest
2 under penalty of perjury that concurrence in the filing of the document has been obtained from
3 Gregory L. Lippetz.

4 Dated: June 25, 2009

By: /s/ Luann L. Simmons
5 Luann L. Simmons

6 Attorneys for Plaintiff
7 ARTIFEX SOFTWARE, INC.

8 IT IS SO ORDERED

9 Dated: June 25, 2009



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